

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/394,745 09/15/99 FISHER

D 38-21 (15454)

HM22/0521

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EXAMINER

KIM, Y

ART UNIT

PAPER NUMBER

1631

DATE MAILED:

05/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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## DETAILED ACTION

### *Response to Applicant's election*

The reply filed on April 17, 2001 (Paper No. 6) is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Though it appears that Applicants have elected a specific combination of nucleic acids, it is not definite what the elected SEQ ID Numbers are. Applicants state in their response that they elect the first one hundred SEQ ID Numbers. This election, however, is not fully responsive because the first one hundred SEQ ID Numbers would be subject to change in course of prosecution (i.e., if some of the SEQ ID Numbers are cancelled during prosecution, then the first one hundred SEQ ID Numbers would include new SEQ ID Numbers which were not previously included. Therefore, Applicants' response is considered non-responsive. A proper response should specifically recite, on the record, all one hundred SEQ ID numbers that are elected. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

### *Inquiries*

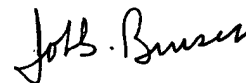
**Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Young J. Kim whose telephone number is (703) 308-9348. The Examiner can normally be reached from 8:30 a.m. to 6:00 p.m. on weekdays. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Woodward, can be reached at (703) 308-4028. Papers related to this application may be submitted to Art Unit 1631 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 CFR 1.6(d)). NOTE: If applicant does**

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submit a paper by FAX, the original copy should be retained by applicant or applicant's representative. **NO DUPLICATE COPIES SHOULD BE SUBMITTED**, so as to avoid the processing of duplicate papers in the Office. The Fax number is (703) 308-0294. Please call the Examiner at (703) 308-9348 before the transmission to expedite delivery of the fax. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Young J. Kim

05/07/01



JOHN S. BRUSCA, PH.D  
PRIMARY EXAMINER